

June 9, 2017

Chief Judge Joseph N. LaPlante
c/o Charli Pappas, Deputy Clerk
U.S. District Court for the District of New Hampshire
55 Pleasant Street
Concord NH 03301-3941

Re: Brendan Kelly v. Liberty Insurance Corporation
Docket # 15-cv-234-JL

STATUS REPORT ON UNRESOLVED PROCEDURAL ISSUES

Dear Judge LaPlante:

Please consider this letter a status report on unresolved procedural issues in the above case.

After Your Honor issued the order of April 25, 2017 on Liberty's proposed discovery schedule, I heard nothing from Liberty until Monday, June 5 relative to depositions and/or its desire to take depositions or the scheduling of same. Although expressing a desire to take four (4) depositions and naming the deponents, Attorney Weizel did not indicate where the depositions would be taken other than "Montana" or Seattle. She did inform me that Attorney Adams would be attending the depositions. The next day, I specifically asked for details regarding the cities in Montana.

I then made inquiry of Kevin Mielke of Avicore Reporting, Suite 400, 814 Elm Street, Manchester, New Hampshire, and I am told that there are multiple locations in Seattle where videoconferencing can be done, and that there are videoconference facilities in Bozeman, Billings, and Great Falls, Montana. Because I still do not know where the deponents reside or to where they have access, the Seattle depositions and the Montana depositions have yet to be set. I leave to Liberty to specify where the deponents are, and where is the closest videoconferencing center. Once Liberty specifies the "where", we can work out with Avicore the "how" of establishing a videoconference link. I have today asked counsel for Liberty to give me within seven (7) days the specific contact information for the deponents.

There is also an issue as to Your Honor's order relative to videoconferencing. Attorney Adams has decided to physically go to Seattle and to Montana to be present during the depositions. It is my view that Your Honor's order contemplates equality of arms, and that both parties be present in New Hampshire and the deposition be taken by video link. Perhaps Your Honor can give us some guidance on that issue.

Finally, assuming the depositions can be scheduled in July or August, the transcript supplied to us within ten (10) days of the deposition, we will be ready for trial in September.

Sincerely yours,

Robert A. Stein

RAS/tm

By email only

cc: Nancy Adams, Esq.
Lavinia Weitzel, Esq.
John B. Schulte, Esq.
Diane Perin, Esq.